

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DJAYGEE, INC.	)	
	Plaintiff	)
		)
V.	)	Civil Action No. 04-11135 NG
		)
		)
NATIONAL HOCKEY LEAGUE,	)	
NHL ENTERPRISES, INC. and	)	
NHL ENTERPRISES, L.P.,	)	
	)	
Defendants.	)	
	)	

**MOTION OF DAVID S. GODKIN FOR LEAVE TO WITHDRAW**

Pursuant to Local Rule 83.5.2, the undersigned respectfully seeks leave to withdraw his appearance as counsel for plaintiff DJAYGEE, Inc. In support of this motion, the undersigned states as follows:

1. In April, 2003, the plaintiff retained the law firm of Testa, Hurwitz & Thibeault, LLP (“Testa, Hurwitz”) to represent it in connection with the claims asserted in this case. When the Testa, Hurwitz partner who was responsible for the engagement left the firm, the undersigned agreed to take over responsibility for the matter.

2. In January, 2005, the partners of Testa, Hurwitz voted to dissolve the firm. The undersigned left Testa, Hurwitz at the end of January and on February 1, 2005, formed a new firm, Birnbaum & Godkin, LLP. Since that time, the undersigned has appeared in Court at two status conferences and informed the Court that the plaintiff was in the process of selecting counsel going forward. The dates that were established in the Joint Statement have been suspended to give the plaintiff an opportunity to retain counsel.

3. The plaintiff has not retained Birnbaum & Godkin, LLP to represent it in this matter.

4. In an effort to assist the plaintiff to locate new counsel, the undersigned has provided the plaintiff with the names of a number of attorneys and firms who specialize in intellectual property litigation. As of the date of this motion, the plaintiff has not notified the undersigned that replacement counsel has been engaged.

5. There are no motions pending before the Court.

6. No trial date has been set.

DATED: May 11, 2005

Respectfully submitted,

/s/ David S. Godkin  
David S. Godkin (BBO # 196530)  
BIRNBAUM & GODKIN, LLP  
268 Summer Street  
Boston, MA 02210-1108  
(617) 542-3100

**CERTIFICATE OF SERVICE**

I, David S. Godkin, hereby certify that I caused to be served a true copy of the foregoing document this 11<sup>th</sup> day of May, 2005, to all counsel of record and to the plaintiff as follows:

BY FIRST CLASS MAIL

Jane E. Willis, Esq.  
Gabriel D. O'Malley, Esq.  
Ropes & Gray, LLP  
One International Place  
Boston, MA 02110

BY FIRST CLASS MAIL

Lorin L. Reisner, Esq.  
Nicholas F. Joseph, Esq.  
Debevoise & Plimpton, LLP  
919 Third Avenue  
New York, NY 10022

VIA ELECTRONIC MAIL  
OVERNIGHT COURIER  
AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John Gray  
Cutting Edge Sports  
1 Bryant Street  
Woburn, MA 01801

/s/ David S. Godkin

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David S. Godkin